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	Application No.	Applicant(s)	
	10/612,426	VONKROSIGK ET AL.	
Notice of Allowability	Examiner	Art Unit	
· · · · · · · · · · · · · · · · · · ·	Philip C. Tucker	1712	
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in ) or other appropriate communities. This application is s	this application. If not included inication will be mailed in due course. <b>T</b>	
1. $\boxtimes$ This communication is responsive to <u>paper of 2/28/05</u> .			
2. ⊠ The allowed claim(s) is/are <u>1-20</u> .			
3. $\square$ The drawings filed on are accepted by the Examine	er.		
<ul> <li>4. Acknowledgment is made of a claim for foreign priority unit a) All b) Some* c) None of the: <ol> <li>Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority documents have 1. International Bureau (PCT Rule 17.2(a)).</li> <li>* Certified copies not received:</li> </ol> </li> <li>Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.</li> <li>A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give 1. CORRECTED DRAWINGS (as "replacement sheets") must (a) including changes required by the Notice of Draftspering 1. Hereto or 2. To Paper No./Mail Date</li> <li>(b) including changes required by the attached Examiner Paper No./Mail Date</li> </ul>	e been received. e been received in Application ocuments have been received of this communication to file MENT of this application.  nitted. Note the attached EXA res reason(s) why the oath or st be submitted. son's Patent Drawing Review	n No  If in this national stage application from a reply complying with the requirement with the sequirement additional stage.  MINER'S AMENDMENT or NOTICE Of declaration is deficient.	ts •
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the state of the stat			
<ol> <li>DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT</li> </ol>			
Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)		formal Patent Application (PTO-152) ummary (PTO-413),	
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/	Paper No./	Mail Date Amendment/Comment	
Paper No./Mail Date4. ☐ Examiner's Comment Regarding Requirement for Deposit	8. ⊠ Examiner's	Statement of Reasons for Allowance	
of Biological Material	9.  Other		
		Philip C Tucker Primary Examiner Art Unit: 1712	

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## **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance: Applicants

Terminal disclaimer overcomes the double patenting rejection. As in parent case

09/459,213, the prior art of record fails to teach or suggest to one of ordinary skill in the

art the present composition having the specified percentage ranges taught herein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C. Tucker whose telephone number is 571-272-1095. The examiner can normally be reached on Monday - Friday, Flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip C Tucker Primary Examiner Art Unit 1712

PCT-3339